

## **PROCESSING PROCEDURES FOR AMENDMENTS TO A&E CONSULTANT CONTRACTS**

Follow the steps in order:

1. The Project Manager (PM) obtains the most current amendment boiler and the most current contract boiler for the project from the Consultant Services Coordinator or the Senior Contract Specialist in Public Works Contracts (PWC). When the PM contacts PWC for the boiler, the PM identifies the project by contract number (for example, H094548) and by the official title.
2. The PM drafts the amendment in Microsoft Word format. Since amendments are unique to every project, the PM must alter the amendment boiler (add and/or delete language) in order to customize an amendment to fit their needs.

**Note:** Every section of the original contract does not need to be updated in an amendment, but the following sections will need to be reviewed. If the contract or a previous amendment does not contain the most current versions of these sections, these sections must be updated or added:

- a. Insurance requirements (usually Section 4.3 of the boiler),
- b. Non-discrimination language (usually Section 4.6 of the boiler).
- c. Drug free workplace language (usually Section 4.7 of the boiler),
- d. ADA language (usually Sections 4.8 and 4.19 of the boiler), and
- e. Indemnification language (usually Article 6 of the boiler),
- f. Notices, (usually) Section 9.1

The PM may amend other sections of the contract. However, unless the PM receives permission to use different language from PWC and/or the department's assigned Deputy City Attorney (DCA), the PM shall use only language from the contract boiler provided.

3. Once the PM drafts the amendment in Microsoft Word format (preferably with all changes tracked), including all exhibits in final form, the PM forwards the amendment to PWC for review in Microsoft Word format. The amendment must be complete and include all exhibits in order for PWC to conduct a meaningful review. Incomplete amendments will be returned.
4. PWC completes the review and returns the draft amendment to the PM. The PM addresses any of the issues raised by PWC and, if necessary, requests PWC's assistance on any items.
5. The PM then forwards the amendment to their department's or division's assigned DCA for review.
6. After the DCA reviews and comments on the draft, the PM addresses any of the issues raised by the DCA and, if necessary, requests the DCA's assistance on any items.
7. After the PM addresses all corrections and issues, the PM forwards the amendment in PDF format to the Consultant for signature. Four original wet signature copies are required for Council Actions. For all other actions, **PWC is routing paperless so a PDF copy of the amendment should be routed for signature via email.** The Consultant is not permitted to alter any language in the body of the amendment since the language contained therein is the City's approved language. If

additional negotiation is required on the exhibits (scope, fee schedule, or time schedule) this is acceptable. But, if there are major changes, a second review may be required by PWC and the DCA.

**Note:** It is critical that the amendment be in its final form when it is sent to PWC and the DCA for review because, if additional changes are made after the initial reviews, additional reviews may be necessary. This will severely delay the amendment.

8. The PM may begin routing the action document (a 1544, PA2625 or 1472 depending on whether the project is CIP or non-CIP funded and on the dollar value of contracts/amendments awarded to the consultant in the current fiscal year) once the PM sends the amendment to the Consultant for signature. **See San Diego Municipal Code Section 22.3018(b) for more information regarding whether Mayoral or Council approval is required for the amendment. The Final Amendment signed by the consultant must be attached in OnBase before your action goes to external reviewers.**

**Note:** For non-CIP funded projects, a 1472 is required to award any amendment if the Consultant has been awarded more than \$250K in contracts or amendments in the current fiscal year or if the total dollar values of the current amendment plus the cumulative fiscal year total exceed \$250K. For CIP funded projects, the threshold is \$1 million.

9. For Mayoral Actions (e1544/ePa2625) the PM obtains a Consultant Award Tracking Form (see AR 25.60) from PWC. The PM checks with PWC to determine the amount of City-wide contracts awarded to the Consultant in the current fiscal year, and the PM completes the form.
10. For Council Actions, when the amendment is ready for PWC's signature (after completion of routing your 1472 and after approval by Council), the PM sends PWC the four original wet signature hard copies of the amendment plus the 1544/PA2625 (or copy of the 1472). Insurance must be current or renewals (including all endorsements) must be submitted online to EBIX. PWC will not sign the amendment without compliant insurance and all endorsements. For all other actions, your signed amendment will be routed to PWC via OnBase when your item routes to external approvers.

**Note:** If Council approval is required to award an amendment, it is the PM's responsibility to ensure that the amendment package (including all required documentation) is returned to PWC after Council approval and the Mayor's 10 day veto period. Delivery to PWC is not automatic.

11. PWC signs the amendment then forwards the amendment package to the DCA for final review and signature.
12. The DCA signs the amendment and returns the amendment to PWC.
13. PWC issues the Notice to Proceed (NTP) and distributes hard copies of the amendment and NTP letter to all parties (PM, City Clerk, and Consultant) for Council Actions. For all other actions, PWC will use electronic distribution of NTP via email.
14. PWC modifies the SAP Outline Agreement number at this time (value, time etc.). If applicable, PM generates a Purchase Requisition (PR) to modify the Purchase Order (PO) and PWC modifies the PO accordingly.